

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD COOEY, et al.,

Plaintiffs,

v.

TED STRICKLAND, et al.,

Defendants.

Case No. 2:04-cv-1156

JUDGE GREGORY L. FROST

Magistrate Judge Mark R. Abel

PRELIMINARY PRETRIAL SCHEDULING ORDER

On June 23, 2009, this matter came before the Court for a preliminary pretrial conference. The parties were represented by counsel at the conference. As a result of discussions held at the conference and in consultation with counsel for the parties, the Court memorializes the results of that conference as follows:

(1) The plaintiffs in this case are as follows: Robert Bethel, Kenneth Biros, Grady Brinkley, James T. Conway, III, Phillip Elmore, Jerome Henderson, Nathaniel Jackson, Marvin Johnson, Donald Ketterer, and Jonathon Monroe. The Clerk shall correct the docket to indicate the dismissal of Jeffrey Don Lundgren as a plaintiff, as a result of his execution.

(2) All parties shall adhere to the same protective order previously employed in this litigation (Doc. # 413), which has been amended to include all the remaining parties and their counsel either previously (Docs. # 506, 507, 508, 509) or by this Order.

(3) The parties shall exchange initial disclosures, as well as other agreed-upon

information, by June 30, 2009. As soon as possible prior to June 30, 2009, Defendants shall provide the Court with an updated Team Member list and any additional personnel files for *in camera* review, using the same procedures previously employed.

(4) The parties shall make their primary expert disclosures by July 15, 2009.

(5) Plaintiffs shall file any motion to amend the pleadings and/or join other parties by July 22, 2009. Memoranda in opposition to a motion to amend shall be filed by July 27, 2009. Reply memoranda shall be filed by July 30, 2009. The Court schedules a non-oral hearing on all motions to amend for July 31, 2009. Plaintiffs did not anticipate the filing of any motions to amend, however, and Defendants did not dispute Plaintiffs' contention that the pending complaints encompassed the current protocol so as to render the need for amendment unnecessary.

(6) The parties shall make their rebuttal expert disclosures by August 7, 2009.

(7) The parties shall complete all discovery by August 21, 2009.

(8) The dispositive motions filing deadline is August 28, 2009. Memoranda in opposition to summary judgment motions shall be filed by September 11, 2009. Reply memoranda in support of any summary judgment motions shall be filed by September 18, 2009. The Court schedules a non-oral hearing on all dispositive motions for September 21, 2009.

(9) The parties shall make their Federal Rule of Civil Procedure 26(a)(3) pretrial disclosures in the final pretrial order, which shall be filed by October 13, 2009.

(10) The final pretrial conference is October 19, 2009, at 9:00 a.m. in Chambers.

(11) The trial date is October 26, 2009, at 9:00 a.m. in a courtroom to be determined.

(12) The parties have agreed to the foregoing schedule and have been put on notice that they will be held to the deadlines to which they agreed. The Court reminds the parties that modification of this scheduling order is subject to a showing of good cause under Federal Rule of Civil Procedure 16(b)(4) and that extension requests will be scrutinized for sufficient cause.

(13) No party contests jurisdiction or venue.

(14) The parties have declined to consent to the jurisdiction of the Magistrate Judge.

(15) The parties are under a duty to supplement their discovery disclosures. *See* Fed. R. Civ. P. 26(e)(2).

(16) Before filing any motion to compel, the parties involved must first contact the Court in order to schedule a telephonic conference in which the Court will attempt to address any discovery disputes. In the event that the Court is unable to resolve any discovery dispute during the telephonic conference, the Court will then permit the filing of a motion and order expedited briefing.

(17) The parties are encouraged to pursue the settlement talks discussed during the conference. Should the parties desire the assistance of the Court in regard to settlement talks, they should contact Chambers to arrange the involvement of either the court mediator or the undersigned judicial officer.

(18) The parties and counsel are warned that failure to obey this scheduling order or other pretrial orders will likely result in the imposition of sanctions, as well as the imposition of fees and costs, under Federal Rule of Civil Procedure 16(f).

To the extent that they are not inconsistent with this Order, the parties are advised to

adhere to the Court's standing orders on pretrial and trial practice and procedures, which are available via the United States District Court for the Southern District of Ohio's website.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE